

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 7, 2011 at 10:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)

Members Excused: Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 126, 3/1/2011; HB 374, 3/1/2011; HB 412, 3/1/2011

Executive Action: SB 10-Tabled, HB 126-Be Concurred In As Amended, HB 412-Be Concurred In, Motion Withdrawn (pending further provided information)

HEARING ON HB 126

Opening Statement by Sponsor:

00:00:42 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 126, Amend youth court act to clarify sentencing authority.

[**EXHIBIT\(jus51a01\)**](#)

Proponents' Testimony:

00:07:40 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ), State of Montana

[**EXHIBIT\(jus51a02\)**](#)

00:12:44 Mark Murphy, Montana County Attorney Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:16:01 Sen. Shockley

00:16:34 Ms. Bovingdon

Closing by Sponsor:

00:16:45 Rep. Hansen

HEARING ON HB 374

Opening Statement by Sponsor:

00:17:18 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 374, Implement the Uniform Power of Attorney model law.

Proponents' Testimony:

00:23:43 Rose Hughes, Executive Director, Montana Health Care Association (MHCA)

[**EXHIBIT\(jus51a03\)**](#)

00:27:55 Lori Henderson, Administrator, Northern Montana Care Center, Havre, Montana

00:35:18 Claudia Clifford, Advocacy Director, America Association for Retired Persons/Montana (AARP/MT), also for Clyde Dailey, Montana Credit Unions (MCU)

[**EXHIBIT\(jus51a04\)**](#)

00:41:40 Kelley Hubbard, Assistant Attorney General, Consumer Protection Law, DOJ
00:45:13 Dick Brown, Executive Director, Montana Hospital Association (MHA)
00:45:54 Steve Turkiewicz, President/CEO, Montana Bankers Association (MBA)
00:46:35 Beth Brenneman, Attorney, Disability Rights Montana (DR/MT)
00:47:37 Aimee Grmoljez for Steve Yeakel, Montana Independent Bankers (MIB)
00:48:07 Lynne Eagan, Deputy Secretary Commissioner, Insurance and Securities,
Auditors Office, State of Montana
00:49:21 Karen Powell, Montana Uniform Law Commissioners

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:51:42 Sen. Augare
00:53:19 Ms. Hubbard
00:54:06 Ms. Powell

Closing by Sponsor:

00:55:57 Rep. Hansen

HEARING ON HB 412

Opening Statement by Sponsor:

00:56:50 Rep. Bill Harris (R), HD 30, opened the hearing on HB 412, Disclosure of financial support of civil suits against industrial operations.

[**EXHIBIT\(jus51a05\)**](#)

Proponents' Testimony:

None

Opponents' Testimony:

00:59:40 Derf Johnson, Montana Environmental Information Services (MEIC)
01:05:23 Clayton Elliott, Northern Plains Resource Council (NPRC)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:09:06 Sen. Larsen
 01:09:49 Rep. Harris
 01:14:24 Sen. Shockley
 01:15:10 Mr. Johnson
 01:16:49 Sen. Blewett
 01:17:31 Mr. Johnson
 01:18:15 Sen. Blewett
 01:19:13 Rep. Harris
 01:24:50 Sen. Shockley
 01:25:15 Rep. Harris
 01:28:03 Sen. Shockley
 01:28:10 Mr. Johnson
 01:28:58 Ann Hedges, MEIC
 01:30:52 Sen. Essmann
 01:31:37 Mr. Johnson
 01:33:35 Ms. Hedges
 01:34:00 Sen. Moss
 01:34:44 Ms. Hedges
 01:36:54 Sen. Essmann
 01:37:06 Ms. Hedges

Closing by Sponsor:

01:37:24 Rep. Harris

EXECUTIVE ACTION ON SB 10

01:40:30 Chairman Murphy

01:40:49 **Motion/Vote:** Sen. Hinkle moved that **SB 10 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 126

01:42:14 **Motion:** Sen. Shockley moved that **HB 126 BE CONCURRED IN**.

01:42:40 **Motion/Vote:** Sen. Shockley moved that **HB 126 BE AMENDED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXHIBIT(jus51a06)

01:44:09 **Motion/Vote:** Sen. Shockley moved that **HB 126 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy. Sen. Larsen will carry the bill.

EXECUTIVE ACTION ON HB 412

01:45:05 **Motion:** Sen. Shockley moved that **HB 412 BE CONCURRED IN.**

Discussion:

01:45:28 Sen. Hinkle
01:47:01 Sen. Blewett
01:48:26 Sen. Murphy
01:48:58 Sen. Jent
01:53:03 Sen. Shockley
01:55:08 Sen. Essmann
01:56:08 Sen. Shockley **WITHDREW MOTION HB 412 BE CONCURRED IN.**
01:56:20 Chairman Murphy

EXHIBIT(jus51a07)

Exhibit from Lori Henderson, Northern Montana Care Center, Havre, Montana in support of HB 374

ADJOURNMENT

Adjournment: 11:56 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus51aad.pdf](#))